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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,878	04/20/2001	Stephen Nabeil Malik	9192-2	3309
7590	10/28/2004		EXAMINER	
Needham J. Boddie, II Myers Bigel Sibley & Sajovec Post Office Box 37428 Raleigh, NC 27627			SMITH, TRACI L	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/838,878	MALIK, STEPHEN NABEEL
	Examiner Traci L Smith	Art Unit 3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-49 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-49 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 June 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 4, 6-9, 11-14, 16-19, 21, 23-26, 28-30, 32-35, 37, 39-42, 44-46 and 48-49 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5 542 420, Goldman et al. Aug. 6 1996; 'Personalized method and system for Storage, communication, analysis and processing of health related data.'
2. As to claims 1, 8, 18, 25, 34 and 41 Goldman teaches a method, system and medium of:
 - a. Accepting patient information via a client device(C.23 l.65-67)
 - b. Catagorizing the person based on entered information(C.4 item (d)).
 - c. Service providers viewing entered information(C.4 l. 58-60).
 - d. Secure area where information is accessible by client device(C.3 l. 40-44)
3. As to claims 2,9,19,26,35 and 42 Goldman teaches allowing access to a secure area.(C. 18 l. 22-24 and Fig. 6 Ref 108)
4. As to claims 4, 11, 21, 28, 37 and 44 Goldman teaches information entered in a predetermined format.(Fig 7 and 78a).
5. As to claims 6, 23 and 39 Goldman teaches the professional service provider as a heath care provider(C.4 l. 58-60).
6. As to claims 7, 16, 24, 32, 40 and 42 Goldman teaches assigning person based on attributes.(C. 12 l.42-44).

7. As to claims 12, 29 and 45 Goldman teaches a communicating a prescription to a pharmacy.(C. 4 l,25-29).
8. As to claim 13, 30 and 46 Goldman teaches a method of communicating lab services to a lab(C. 17 l. 56-59)
9. As to claim 14 Goldman teaches receiving lab test results(C. 17 l. 61-63)
10. As to claims 17, 33 and 49 Goldman teaches the patient selecting prescription(c.15 l.9-11)

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3, 10, 20, 27, 36 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5 542 420, Goldman et al. Aug. 6 1996;as applied to Claims 1-2, 4, 6-9, 11-14, 16-19, 21, 23-26, 28-30, 32-35, 37, 39-42, 44-46 and 48-49 above, and further in view of US Patent 6 589 169 B1 Surwit et al. Filed Dec. 23, 1999; 'Systems, methods and computer program products for monitoring, diagnosing and treating medical conditions of remotely located patients undergoing anticoagulation therapy.'

13. As to claims 3, 10, 20, 27, 36 and 43 Goldman teaches providing medical diagnosis and treatment over a network. However, Goldman fails to teach notifying a

person that the service provider had provided information. Surwit teaches communication with the patient when a service has been provided(C.3 l. 15-18). It would have been obvious to one skilled in the art at the time of invention to combine the teaches of Surwit with Goldman so as to allow the patient to be aware of the provided information regardless of when and where they are and not have to wait at network device for a response.

14. Claims 5, 15, 22, 31, 38 and 47are rejected under 35 U.S.C. 103(a) as being unpatentable over over US Patent 5 542 420, Goldman et al. Aug. 6 1996;as applied to Claims1-2, 4, 6-9, 11-14, 16-19, 21, 23-26, 28-30, 32-35, 37, 39-42, 44-46 and 48-49 above, in further view of "The email doctor who only makes mouse calls"; Evening Standard, April 3, 2000. article discussing e-med.co.uk.

15. As to claims 5, 15, 22, 31, 38 and 47 Goldman teaches medical diagnosis and analysis on a network. E-med teaches the user logging into the network to allow secure private access. It would have been obvious to one skilled in the art at the time of invention to combine the teaches of e-med with Goldman so as to continue to be compliant with HIPPA and allow confidentiality of the persons health records.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Foreign patent JP 10033486 A discloses a system of medical diagnosis by a medical doctor to a patient at home or remotely located.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Traci L Smith whose telephone number is (703)605-1155. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3630